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PATENT APPLICATION

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ATTORNEY DOCKET NO. 200209507-1IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Robert W. Jewell

Confirmation No.: 6785

Application No.: 10/624,779

Examiner: Thomas A. Morrison

Filing Date: 07/22/2003

Group Art Unit: 3653

Title: MEDIA REGISTRATION MECHANISM FOR IMAGE FORMING DEVICE

Mail Stop Appeal Brief - Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF REPLY BRIEFTransmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on July 9, 2007.

This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

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Respectfully submitted,

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By



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Docket No. 200209507-1
 Appl. No. 10/624,779
 Appeal Brief dated April 19, 2007

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	Examiner: Thomas A. Morrison
Robert W. Jewell)	
)	Art Unit: 3653
Serial No.: 10/624,779)	
)	
Filed: July 22, 2003)	
)	
For: MEDIA REGISTRATION MECHANISM)	
FOR IMAGE FORMING DEVICE)	
)	
Date of Final Office Action:)	Attorney Docket No.:
October 20, 2006)	200209507-1
)	
Date of Examiner's Answer)	
July 9, 2007)	

September 10, 2007

REPLY BRIEF under 37 CFR §41.41

Mail Stop Appeal Brief – Patents
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

This Reply Brief is timely provided within two months from the mailing date of the Examiner's Answer dated July 9, 2007.

CERTIFICATE OF FACSIMILE

Date of Deposit: September 10, 2007

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Doreen Zabinski
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Docket No. 200209507-1
Appl. No. 10/624,779
Reply Brief dated September 10, 2007

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Reply

In response to the Examiner's Answer, dated July 9, 2007, Appellant respectfully submits the following reply as permitted under 37 CFR §41.41(a)(1). The Examiner's Answer contained no new grounds of rejection and this response contains no new amendment, affidavit or other evidence. The following sections address the Examiner's Answer and the "Response to Argument" section starting on page 12. References to page numbers in the Examiner's Answer appear as "EA _".

I. Whether Claims 1-5, 10, 12-13, 19-23 and 25-26 are unpatentable under 35 U.S.C. § 102(b) as being anticipated by Japanese Publication No. 56-113641.

Independent Claim 1

The Examiner's Answer relies upon the English translation of the specification of JP 56-113641, page 8, lines 10-20 (EA 13). However, the cited specification text supports Appellant's position that the carrying belts 5a, 5b fail to teach the limitations of the recited media carriers, including "caus[ing] the print media to rotate towards and align against the registration wall." The cited text teaches that the organizing and sending mechanism 7 and the sending roller 11 organize the sheet of paper with the surface 6, not the carrying belts 5a, 5b. In particular, the cited specification text (as it appears in the Examiner's Answer) states:

The organizing of paper A is finished within a short distance because while getting passed on to the organizing and sending mechanism 7, paper A gets organized by the sending roller 11 and the organizing standard surface 6. (EA 13, lines 13-16) [emphasis added].

Therefore, the Examiner's reliance on the English translation is misplaced. The paper is "passed on to" the mechanism 7, and it is the mechanism 7 and the roller 11 that organize the paper with the surface 6. The cited section confirms the arguments presented in

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Appellant's Appeal Brief, namely, that the mechanism 7 and roller 11 take control of the paper from the carrying belts 5a, 5b and thus the carrying belts 5a, 5b fail to teach the recited media carriers.

Appellant notes that the elements in the English translation above have different names than in the English Abstract. In particular, the "organizing and sending mechanism 7" is referred to as the "location arranging feeding mechanism 7," the "sending roller 11" is referred to as "feed roller 11," and the "organizing standard surface 6" is referred to as "location arranging reference surface 6." Appellant's Brief uses the terms from the English Abstract.

The cited specification text is consistent with the English abstract. The abstract teaches that the location arranging feeding mechanism 7, and not the carrying belts 5a, 5b, "push[es] the side edges A1 of the paper sheets A against a location arranging reference surface 6." As explained in the Appeal Brief, once the paper sheets reach the feeding mechanism 7, the paper sheets "are held" between the rollers 10 and 11 of the feeding mechanism 7 (see English Abstract). Therefore at that point, the carrying belts 5a, 5b no longer influence the positioning of the paper because the feeding mechanism 7 holds the paper thereby taking control of the movement of the paper (e.g. speed and direction).

As such, the carrying belts 5a, 5b are not configured to align the paper against the reference surface 6. Accordingly, carrying belts 5a, 5b fail to teach the limitations of the recited media carriers, including "to cause the print media to rotate towards and align against the registration wall." Thus, JP 56-113641 fails to teach the registration mechanism as recited in claim 1 and fails to support an anticipation rejection of claim 1. The rejection is improper and should be reversed.

Additional Interpretation of Feeding Mechanism 7

Regarding Appellant's arguments concerning the feeding mechanism 7 not teaching the claimed media carriers, Appellant is well aware that the examiner never relied upon or

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applied this interpretation. Appellant presented the argument for completeness and to cover potentially applied interpretations once it is concluded that the carrying belts 5a, 5b fail to teach the limitations of the recited claims.

MPEP 2114

Appellant is well aware that the examiner never relied upon or applied MPEP 2114. MPEP 2114 provides guidance for distinguishing claims and provides rationale to support Appellant's position. The fact that the examiner does not rely on applicable rules or laws does not make arguments based on such rules or laws "without merit" as the examiner proposes (EA 14). Quite the contrary. The examiner cannot ignore applicable rules or laws.

Independent Claims 10, 12 and 19

The Examiner's Answer relating to these claims relies on the same specification text from the English translation of JP 56-113641 (EA 15, 17, and 19). As explained above, the examiner's reliance on the translated text is misplaced. Contrary to the examiner's view, the translated text is consistent with the explanations and arguments presented in Appellant's Appeal Brief. For the same reasons, JP 56-113641 fails to establish a *prima facie* anticipation rejection of any claims and the rejection cannot stand.

II. Whether Claims 10 and 11 are unpatentable under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,877,234 (Mandel).

The Examiner's Answer relies on the word "comprising" in the claims to support the rejection (EA 22). The examiner states that the claims are open-ended and thus "additional elements" can act together to teach the claim (EA 22). Although the claims are open-ended, the examiner's rationale is incorrect and not on point. A claim that recites elements A, B, and C is taught by a reference that teaches A, B, C, and an additional element D since each and every claimed element A, B, and C is taught. However, the rejection says that Mandel

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teaches elements A, B, and a construction of other elements to teach C. This is not proper anticipation rejection.

In particular in the present facts, Mandel fails to teach each and every claimed element whether or not additional elements are shown. Appellant's argument is not simply that additional elements are shown by Mandel, but that Mandel fails to teach the claimed elements and their particular configuration. The examiner admits that Mandel teaches a different configuration of elements since the rejection relies upon the "comprising" argument to salvage the rejection. The examiner's argument is based on a combination of configurations of Mandel's scuffer roller 30 with the bearing 28 and the crowned roller 21 in order to teach the recited media carries and drive mechanism of claim 10. In effect, the rejection says that Mandel teaches elements A, B, and a construction of other elements to teach C. Such a construction per se is not a proper anticipation rejection and in fact demonstrates that the claim is not anticipated. Thus, the examiner's reliance on the term "comprising" is misapplied and not on point. Mandel fails to teach any claim and fails to establish a *prima facie* anticipation rejection. All rejections based on Mandel are improper and should be reversed.

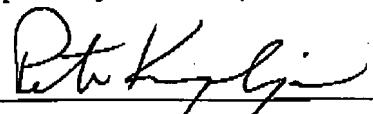
CONCLUSION

Appellant respectfully maintains and repeats all previous arguments from the Appeal Brief and those presented herein, which show the deficiencies in the rejections. All rejections have been shown to be improper. Accordingly, Appellant respectfully requests that the Board of Appeals overturn all rejections and allow all pending claims.

Respectfully submitted,

SEPT. 10, 2007

Date



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